

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE E. LAZCON,

Defendant.

Case No. 17-CR-167-1-JPS

**ORDER**

On May 22, 2018, the grand jury returned a two-count superseding indictment against Defendants Jose Lazcon (“Lazcon”) and Derrick Harris. (Docket #123). Count One charges both men with violating 18 U.S.C. § 1513(b)(2) when they knowingly engaged in conduct that caused damage to the tangible property of AV1, a confidential informant in the case of *United States v. Tirado*, 16-CR-168-LA (E.D. Wis.), and threatened to cause bodily injury to AV1, in retaliation for AV1’s service as an informant in the *Tirado* case. *Id.* at 1. Count Two charges Defendants with discharging a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii). *Id.* at 2.

Additionally, Lazcon is charged in a separate, one-count information with conspiracy to commit informant retaliation, in violation of 18 U.S.C. § 1513(b)(2) and (f). (Docket #156). On August 7, 2018, the parties filed a plea agreement indicating that Lazcon has agreed to plead guilty to the Information. (Docket #154).

The parties appeared before Magistrate Judge Nancy Joseph on August 17, 2018 to conduct a plea colloquy pursuant to Federal Rule of

Criminal Procedure 11. (Docket #158). Defendant entered a plea of guilty as to the Information. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Joseph determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #160 at 1).


That same day, Magistrate Joseph filed a Report and Recommendation with this Court, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* at 1. Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* at 1–2. To date, no party has filed such an objection. The Court has considered Magistrate Joseph's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge Nancy Joseph's Report and Recommendation (Docket #160) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 6th day of September, 2018.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge